REMARKS

Claim Status

Claims 1-14, 15-26, and 76 are pending in the present application. No additional claims fee is believed to be due.

(1) Rejection Under 35 USC §112, First Paragraph

The Office Action states that Claims 1-14, 15-26, and 76 are rejected under 35 USC §112, 1st paragraph on the basis that the term "text-based *document* containing information relating to the draft technical standard" or "technical *document*" (*emphasis added*) is critical or essential to the practice of the inventions, but not included in the claims(s). The Office Action further states that a "draft technical standard" is merely a "draft idea about a product technical standard", and concludes that the claims are not enabled. Applicants traverse this rejection.

The specification's and claims' references to circulating a "technical standard" is appropriate in the context of the present invention and is properly enabled under §112, 1st paragraph.

A "technical standard" or "draft technical standard" is a collection of data or information relating to a product. It is not a "mere idea" as suggested in the Office Action. The technical standard may exist in the form of an existing document that is circulated as described in the claim. However the technical standard may also exist in the form of structured data, or more typically a collection of different elements of structured data. The process step of circulating the technical standard electronically would not necessarily involve the creation or circulation of a document. It could simply be circulated in a format including links to the various individual elements of structured data. In this case there is no single document that is prepared that contains all of the data in the dataset. Optionally, a document could be formed and circulated with the data, however there is nothing non-enabling about the concept of circulating a collection of structured data without first forming a single document containing all of the data from the dataset. Applicants are not attempting to claim the technical standard, per se − rather they are claiming a process involving the circulation of a clearly definable set of data-set as part of a process. The dataset does not need to be incorporated into a specific document to accomplish this.

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The Office Action cites a portion of text from the specification at page 3, lines 9-10 in support of the position that a document must be part of a technical standard. The relevant text of the specification, in its entirety states:

"In an embodiment of the present invention, generating a draft technical standard includes electronically capturing a text-based document containing information related to the draft technical standard and adding data-structured attributes to the captured document. The technical standard may be searched based on the data-structured attributes."

This text exemplifies how a document may be captured and included in a technical standard. It does not require that a document be captured and retained in all technical standards. A user of the method may choose to create a document with one or more structured data elements of a technical standard to create a document customized to that user's particular needs (see the specification at page 11, lines 3-7). These documents may also be stored and included within the technical standard. However they can be created without the presence or existence of any other documents within the technical standard. In other words, they can be created solely from structured data included within the technical standard.

The Office Action refers to two additional portions of the specifications to support the position that the specification does not enable the claimed step of circulating a technical standard. Specifically, the Office Action cites: (a) page 11, lines 5-7; and (b) page 9, lines 28-29.

(a) Referring to the page 11 reference, The Office Action incorrectly states that the cited portion of the specification discloses "the locking of the document by locking entry to the document since one cannot practices the steps of claim 1 on an idea." The cited text from the specification refers to locking of the draft "standard", not to a draft "document."

Throughout the specification the concept of circulating a draft standard is contemplated. Figure 1 and the associated text in the specification refers to circulation of a draft standard throughout the process. Block 30 refers to generation of a draft standard. Block 36 refers to locking of the standard. Block 42 refers to rendering the standard unchangeable. Finally Block 44 refers to releasing the standard.

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The technical standard is stored in a database. The technical standard may be converted into one or more different renditions to meet the needs of particular user group. These renditions may be converted into documents (e.g. spreadsheets, word processing documents, PDF files) (see page 10, lines 21-23), however the underlying standard is not required to be stored in the form of a document. Rather it is the standard, itself, that must be stored on a database (see page 10, lines 29-30). The standard can be stored in any suitable format or manner that data or collections of data can be stored. Furthermore a database, or a portion of a database, circulated, or made accessible to a user group, without necessarily creating, locking or circulating a specific document containing the data in the database.

(b) The Office Action points.out that the specification's discussion of Figure 1, block 32 (at page 9, lines 28-29) indicates that "the technical document is automatically routed to the peer review group for examination". Similar reference to a technical document is found in this section where it states that "if peer review is desired, a group of reviewers is determined for the technical document".

Applicants point out that all other references Figure 1, block 32 refer to a technical standard, not a technical document. This includes the first sentence of the paragraph referring to block 32 – "The draft technical standard is circulated for peer review in block 32.". Later in the same paragraph of the specification, it is stated that: "The peer review is typically terminated when each reviewer has had an opportunity to comment on the draft technical standard. ...... Also, alternate peer reviewers may be specified ....if a selected number of reviewers from each subgroup has reviewed the draft technical standard."

Figure 1, itself, also expressly refers to a technical standard, not a technical document. See block 30 (Generate a Draft Standard), 36 (Lock the Draft Standard"), block 42 (Render the Standard Unchangeable), and block 44 (Release the Standard). Nowhere does Figure 1, itself, recite or imply processing of a technical document as opposed to a technical standard. Furthermore, since the draft technical standard may comprise documents and/or structured data, it is appropriate that the claimed process refer to locking of the entire "standard".

Similarly, the disclosure on the specification referring to Figure 1 blocks 30, 34, 36, 38, 40, 42, and 44 also refers to generation, review, locking, approval and rendering unchangeable a technical "standard".

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Applicants maintain that the specification supports the claimed scope of generating, circulating, attaching review group comments, locking, collecting approvals, rendering the standard unchangeable, and releasing a technical "standard".

Applicants further maintain that the specification contains enabling disclosure as to how a technical standard may be circulated, reviewed, locked, and the like. Enablement is provided by Figures 2 – 22, along with the corresponding disclosure in the specification. These figures refer to electronic reviewer tools that are accessible by the system users. The reviewer tools contain means to input information or data, to review information or data contained or referenced therein. While the reviewer tools may display a technical standard, the tools themselves do not necessarily constitute the technical standards, per se, that are being reviewed and approved. The reviewer tool may vary from step to step during the process, with customization (as revealed by comparing the various tools shown in Figures 2-22) to suit the particular needs of the step of the process. Importantly, it is not the reviewer tools, or documents that need to be reviewed and circulated, but rather it is the underlying technical standard that is reviewed and approved.

Finally, the mere fact that some other art made of record refers to "document" review and approval systems and methods does not mean that Applicants' claimed method for review and approval of the underlying technical standard is non-enabled.

In view of the above discussion, it is respectfully asserted that the specification and claims are fully enabled under §112, 1st paragraph.

(2) Rejection Under 35 USC §112, Second Paragraph

The Office Action states that Claims 1-14, 15-26, and 76 are rejected under 35 USC §112, 2nd paragraph, contending that the specification deals with circulating an electronic draft document related to the draft standard, whereas the claims are directed to circulating a draft "standard".

As discussed above with respect to the §112 1st paragraph rejection, the present inventions relates to circulation of a draft standard (see page 9, line 26 and page 9, line 29 – page 10, line 5 of the specification), wherein the standard can be generated in a variety of ways (see page 9, lines 13 – 25 of the specification), including but not limited to a document.

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The Office Action states that "From the specification, it appears that the scope of the invention deals with editing and circulating an electronic draft document containing draft technical standard information or electronically capturing a text-based document containing the information related to the draft technical standard". Applicants traverse this conclusion as erroneous because, as discussed above, the process as exemplified in Figure 1 and the associated disclosure in the specification for each of the steps of the process all refer to processing of a technical standard.

The Office Action further contends that in Claims 1, 15, and 76 that it is not clear how one can edit/review the draft document if the 3rd step requires "electronically locking the draft copy". The draft technical standard is electronically locked, to ensure that the *reviewers and approvers* cannot modify or change the standard. If they don not approve the standard or add comments that should be included in the standard, the person who is managing the process (for example a requester) can unlock the standard and make modifications. Locking of the standards within the meaning of the present invention does not mean permanently locking it so that no changes can ever be made. It is only after the standard is approved that it is "permanently locked – in the lexicography of the present application, this is revered to as rendering the standard ":unchangeable".

The remaining arguments in the Office Action for the 112, 2nd paragraph rejection mirror those set forth for the 112, 1st paragraph rejection. For the sake of brevity, Applicants maintain that these arguments are addressed above and therefore the text need not be repeated here.

Claim Objections

The Office Action stated that Claims 2-3 were objected to under 37 CFR 1.75(c) on the basis of lack of claim differentiation. It is respectfully asserted that claims 2 and 3 are both differentiated from Claim 1. As discussed above, the draft technical standard can comprise document based information and/or data-structured information. Claim 1 refers, generally, to circulating a draft technical standard. Claim 2 relates to the draft technical standard relates to a text based document and adding data-structured attributes. Claim 3 further limits the claim to searching the technical standard based on the data-structured attributes. Claims 2 and 3 include limitations that are not expressly provided or necessarily present in Claim 1.

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Rejection Under 35 USC §102

Claims 15-26 and 76 were rejected under 35 USC §102 over Lemble (US Patent 5,315,504. The Office Action states that the interface module operative to elements (a)-(f) carries "no patentable weight since a module is merely a program and it's incapable of carrying out the claimed steps without connecting to a "server system…".

The modules, as provided in Claim 15, are not merely "programs" but rather are subassemblies that constitute part of the larger system. Page 9, lines 10-12 of the specification provides that the modules can comprise any combination of hardware, software, firmware, and the like. Page 14, lines 12-13 of the specification provides that the interface module 150 can be implemented _as_ a customized web interface server – that is, _as_ a server which in turn conventionally comprises in use a combination of hardware, software, and the like. It is not, however, intended to limit the claimed invention to any particular implementation (page 9, lines 10-12). Furthermore, the meaning of module as set forth above is consistent with the meaning of the term as understood by those of ordinary skill in the art, as exemplified in the attached definition of "module" from the "Webopedia Computer Dictionary" (downloaded from the internet on July 7, 2006).

Claim 76 claims a computer readable media containing executable program instructions. The Office Action rejection of this claim on the basis that it does not contain reference to a server system is improper. Software in tangible form, such as in the form of computer readable media, is clearly patentable subject matter. Although a computer program, per se, is considered nonstatutory subject matter, a computer program stored in a computer readable media, clearly is. Patentable weight must be given to the computer readable instructions contained on the claimed media. Furthermore, it is not required under current law to include additional computer infrastructure elements to a claim directed to a computer readable media. To require such language would amount to requiring the claim be transformed from a computer readable media claim to a system claim – a result that is not required nor directed under current law.

Rejection Under 35 USC §103(a)

Claims 1-14, 15-26, and 76 have been rejected under 35 USC §103(a) as being unpatentable over Admitted Prior Art (AAPA) in view of Grainger (US 2002/0111824). This rejection is traversed for two reasons. First, neither AAPA not Grainger, nor the

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combination thereof, establish a prima facie case of obviousness because they do not teach or suggest all of the claim limitations of any of independent Claims 1, 15, and 76.

Grainger published on August 15, 2002 and has a filing date of Nov. 11, 2001 and a provisional application filing date of Nov. 11, 2000. The present application has a filing date of March 4, 2001 and a provisional application filing date of December 19, 2000. Therefore Grainger qualifies as prior art against the present application only under 102(e)/103.

· The present invention includes both "locking" the draft standard and subsequent, distinct step of rendering the draft standard unchangeable. In the first, "locking" step, the draft technical standard electronically locking the draft technical standard after the review group has reviewed the draft technical standard. The locked draft technical standard is circulated to the approval group, the members of which can approve or choose to not approve, and in either case can choose to add comments. Limited persons, typically the originator of the standard or other authorized persons, may "unlock" draft technical standard in their discussion, such as may happen upon review of comments received from members of the approval group. In that case, the originator can modify the draft technical standard (or create a new draft technical standard), which can then be subsequently locked and circulated to the approval group. If the approval group approves the draft technical standard, the draft technical standard can then be rendered "unchangeable". Once it is rendered unchangeable, it cannot be modified or changed by anyone, including the originator.

Grainger has been cited in the Office Action for its disclosure of an electronic document locking system. However Grainger does not teach or suggest the two separate and distinct types of "locking" steps (locking versus "rendering unchangeable") at different phases of an electronic review and approve process or system.

Referring to Grainger paragraph [0070], the system "saves and locks all documents submitted to and received from patent offices so that they cannot be subsequently altered....". According to Grainger paragraph [130], "anytime edits are made to a draft patent application ..., a new version of the application is created and the old version is locked and saved for archival purposes." In neither instance is it suggested that the locking step would or should be able to be unlock able. To the contrary, maintaining documents submitted to or received from a patent office without modification is a clear and logical need. Similarly, draft patent applications or other

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documents saved for archival purposes should clearly and obviously be maintained without possibility of modification.

Thus, Grainger does not disclose electronically locking in a manner that allows the document (or a technical standard) to be unlocked. Further, Grainger does not disclose a locking scheme involving a combination of a first locking scheme wherein the document (or in the case of the present invention, a technical standard) can be unlocked with a second locking scheme wherein the document (or standard) is rendered unchangeable.

Additionally, Grainger and the present invention relate to distinctly different types of methods and systems. Grainger relates to a document management system wherein maintaining archive quality records of stores and/or generated documents is the objective. The present invention relates to a method and a system for managing the review and approval of technical standards. There is no suggestion in either AAPA or Grainger to modify the locking systems of Grainger and apply them to a technical standard review and approve method (or system) in a manner to provide both "electronic locking" and "rendering unchangeable" of the technical standard at different points of the process.

In view of the above remarks, it is respectfully asserted that the combination of AAPA with Grainger does not teach or suggest the elements of the claimed inventions and that the claimed invention is therefore unobvious, and patentable, over the pending rejection.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the pending rejections and objections. Favorable action in the case is respectfully requested.
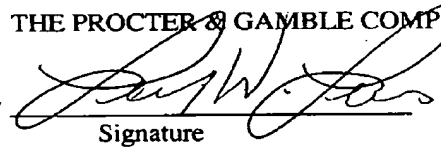
This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-14, 15-26, and 76 is respectfully requested.

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Respectfully submitted,

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Customer No. 27752

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module

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(1) In software, a module is a part of a program. Programs are composed of one or more independently developed modules that are not combined until the program is linked. A single module can contain one or several routines.

(2) In hardware, a module is a self-contained component.

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